

OTHER STATE STATUTES AND REGULATIONS APPLICABLE TO CHARTER SCHOOLS

Information about the state statutes referenced below is frequently requested from the charter schools offices. It is provided here for your convenience:

Title 15 Provisions: Education

- Administration of Medication 15-344
- Chronic Health Problems 15-346
- Interscholastic Activities 15-347, 15-348, 15-705, 15-802.01
- Suspension and Expulsion 15-840, 15-841, 15-842, 15-843

Title 34: Public Buildings and Improvements

- Sanitation Codes
AZ Admin. Code, Title 9 R9-8-711 thru R9-8-717

Title 38: Public Officers and Employees

- State Fire Marshall

Title 15 Provisions - Medications, Health



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15-344. Administration of prescription, patent or proprietary medications by employees; definition

- A. Subject to the limitations and requirements set forth in subsection B of this section, the school district governing board shall establish policies and procedures governing the administration of a prescription medication or a patent or proprietary medication to students by employees.
- B. For purposes of this section, "administration" of prescription medication or a patent or proprietary medication means the giving of a single dose of medication or the giving of a treatment package in its original container. In the case of a minor student, such administration shall only occur upon the written or oral request or authorization of a parent or legal guardian.

15-346. Policies and procedures concerning pupils with chronic health problems; definition

- A. The governing board shall adopt policies and procedures concerning pupils with chronic health problems in consultation with parents, teachers and at least one health professional. The policies and procedures shall be designed to provide continuing learning for pupils with chronic health problems while they are absent from school and to provide for the integration of pupils with chronic health problems into the regular education program as much as possible. The policies and procedures shall include provisions for:
 - 1. Homework availability to ensure that pupils with chronic health problems have the opportunity to keep up with assignments and avoid losing credit because of their absence from school.
 - 2. Flexibility in physical education activity requirements so that pupils with chronic health problems may participate in the regular physical education program to the extent that their health permits.
 - B. For the purpose of this section, "pupils with chronic health problems" means pupils who are unable to attend regular classes for intermittent periods of one or more consecutive days because of illness, disease or accident but who are not homebound. The chronic health problem shall be certified by a person licensed under title 32, chapter 7, 13 or 17.
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Title 15 Provisions - Interscholastic and Extracurricular Activities



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15-347. Extracurricular activities; cultural tradition

A governing board shall consider the cultural traditions of pupils when establishing or enforcing rules related to a pupil's participation in extracurricular school activities. If district rules or rules regulating a district's participation in an extracurricular program prohibit a student from participating because of a pupil's cultural traditions, the governing board may adopt alternative rules which would allow that pupil to participate but take into consideration the health or safety of the pupil or any other person participating in the activities.

15-348. Interscholastic athletics noncontact sports

A governing board or an interscholastic athletic association may permit common school students to participate in practice sessions of noncontact sports with secondary school students.

15-705. Extracurricular activities; requirements

- A. Each governing board after consultation with parents and teachers shall adopt policies and procedures governing requirements for pupils' participation in extracurricular activities for pupils in grade six, if the grade is part of a middle school, and grades seven through twelve. The consultation by the governing board with parents and teachers may be accomplished by holding a public hearing or forming an advisory committee. The requirements shall meet or exceed the minimum requirements prescribed by the state board.
 - B. The state board of education shall prescribe rules for policies regarding pupils' participation in extracurricular activities including minimum statewide requirements. The minimum statewide requirements:
 - 1. Shall be appropriate to the grade in which the pupil is enrolled.
 - 2. Shall be based on the number of courses passed or failed, on grades received or on a combination of these factors.
 - 3. May incorporate additional factors.
 - 4. Shall take into consideration the minimum course of study and competency requirements prescribed by the state board pursuant to section 15-701.01.
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15-802.01. Children instructed at home; participation in interscholastic activities

- A. Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home may be allowed to participate in interscholastic activities on behalf of the public school. If a school declines to allow children instructed at home to participate in an interscholastic activity, the children instructed at home who reside within the attendance area of the school may be allowed to participate in the interscholastic activity on behalf of any other school. The state board of education shall adopt rules prescribing procedures for the participation of children instructed at home in interscholastic activities, including, if necessary, requiring the child to take a nationally standardized norm-referenced achievement test or academic evaluation for verification of academic performance. The rules adopted by the state board of education shall provide that a child who is instructed at home and who was previously enrolled in a school shall be ineligible to participate in interscholastic activities on behalf of a different school for the remainder of the school year during which the child was enrolled in a school.

- B. A school district shall not contract with any private entity that supervises interscholastic activities if the private entity prohibits the participation of children instructed at home in interscholastic activities.

Title 15 Provisions - Suspension and Expulsion of Pupils



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15-840. Definitions

In this article, unless the context otherwise requires:

1. "Expulsion" means the permanent withdrawal of the privilege of attending a school unless the governing board reinstates the privilege of attending the school.
2. "Suspension" means the temporary withdrawal of the privilege of attending a school for a specified period of time.

15-841. Responsibilities of pupils; certain causes for expulsion; effect of expulsion on admittance to another school district; alternative education programs; mandatory expulsion for bringing firearm to school; community service; placement review committee

- A. Pupils shall comply with the rules, pursue the required course of study and submit to the authority of the teachers, the administrators and the governing board. A teacher may send a pupil to the principal's office in order to maintain effective discipline in the classroom. If a pupil is sent to the principal's office pursuant to this subsection, the principal shall employ appropriate discipline management techniques that are consistent with rules adopted by the school district governing board. A teacher may remove a pupil from the classroom if either of the following conditions exist:
1. The teacher has documented that the pupil has repeatedly interfered with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.
 2. The teacher has determined that the pupil's behavior is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other pupils in the classroom or with the ability of the other pupils to learn.
- B. A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior which includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in section 15-802. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate.
- C. A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.
- D. A school district may annually or upon the request of any pupil or the parent or guardian review the reasons for expulsion and consider readmission.
- E. As an alternative to suspension or expulsion, the school district may reassign any pupil to an alternative education program if good cause exists for expulsion or for a long-term suspension.
- F. A school district may also reassign a pupil to an alternative educational program if the pupil refuses to comply with rules, refuses to pursue the required course of study or refuses to submit to the authority of teachers, administrators or the governing board.

- G. A school district or charter school shall expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school within the jurisdiction of the school district or the charter school, except that the school district or charter school may modify this expulsion requirement for a student on a case by case basis. This subsection shall be construed consistently with the requirements of the individuals with disabilities education act (20 United States Code sections 1400 through 1420). For the purposes of this subsection:
1. "Expel" may include removing a pupil from a regular school setting and providing educational services in an alternative setting.
 2. "Firearm" means a firearm as defined in 18 United States Code section 921.
- H. School districts may develop a program that will allow pupils to perform community service as an alternative to suspension. The community service may be performed on school grounds or at any other designated area.
- I. Each school shall establish a placement review committee to determine the placement of a pupil if a teacher refuses to readmit the pupil to the teacher's class and to make recommendations to the governing board regarding the readmission of expelled pupils. The process for determining the placement of a pupil in a new class or replacement in the existing class shall not exceed three business days from the date the pupil was first removed from the existing class. The principal shall not return a pupil to the classroom from which the pupil was removed without the teacher's consent unless the committee determines that the return of the pupil to that classroom is the best or only practicable alternative. The committee shall be composed of two teachers who are employed at the school and who are selected by the faculty members of the school and one administrator who is employed by the school and who is selected by the principal. The faculty members of the school shall select a third teacher to serve as an alternate member of the committee. If the teacher who refuses to readmit the pupil is a member of the committee, that teacher shall be excused from participating in the determination of the pupil's readmission and the alternate teacher member shall replace that teacher on the committee until the conclusion of all matters relating to that pupil's readmission.

15-842. Damage to school property; suspension or expulsion of pupil; liability of parent

- A. A pupil who cuts, defaces or otherwise injures any school property may be suspended or expelled.
- B. Upon complaint of the governing board, the parents or guardians of minors who have injured school property shall be liable for all damages caused by their children or wards.

15-843. Pupil disciplinary proceedings

- A. No action concerning discipline, suspension or expulsion of a pupil is subject to the provisions of title 38, chapter 3, article 3.1, except that the governing board of a school district shall post regular notice and shall take minutes of any hearing held by the governing board concerning the discipline, suspension or expulsion of a pupil.
- B. The governing board of any school district shall, in consultation with the teachers and parents of the school district, prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall include at least the following:
1. Penalties for excessive pupil absenteeism including failure in a subject, failure to pass a grade, suspension or expulsion.
 2. Procedures for the use of corporal punishment if allowed by the governing board.
 3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.
 4. Procedures for dealing with pupils who have committed or are believed to have committed a crime.

5. A notice and hearing procedure for cases concerning the suspension of a pupil for more than ten days.
 6. Procedures for appeal to the governing board of the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.
 7. Procedures for appeal of the recommendation of the hearing officer or officers designated by the board as provided in subsection F at the time the board considers the recommendation.
- C. Penalties adopted under subsection B, paragraph 1 for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person licensed under title 32, chapter 7, 13 or 17.
- D. The governing board shall:
1. Support and assist teachers in the implementation and enforcement of the rules prescribed in subsection B.
 2. Develop procedures allowing teachers and principals to recommend the suspension or expulsion of pupils.
 3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.
 4. Delegate to the principal the authority to remove a disruptive pupil from the classroom.
- E. If a pupil withdraws from school after receiving notice of possible action concerning discipline, expulsion or suspension, the governing board may continue with the action after the withdrawal and may record the results of such action in the pupil's permanent file.
- F. In all action concerning the expulsion of a pupil, the governing board of a school district shall:
1. Be notified of the intended action.
 2. Decide, in executive session, whether to hold a hearing or to designate one or more hearing officers to hold a hearing to hear the evidence, prepare a record and bring a recommendation to the board for action and whether the hearing shall be held in executive session.
 3. Give written notice, at least five working days prior to the hearing by the governing board or the hearing officer or officers designated by the governing board, to all pupils subject to expulsion and their parents or guardians of the date, time and place of the hearing. If the governing board decides that the hearing is to be held in executive session, the written notice shall include a statement of the right of the parents or legal guardians or an emancipated pupil subject to expulsion to indicate their objection to the governing board's decision to have the hearing held in executive session. Objections shall be made in writing to the governing board.
- G. If a parent, legal guardian or emancipated pupil subject to expulsion disagrees that the hearing should be held in executive session, then it shall be held in an open meeting unless:
1. If only one pupil is subject to expulsion and disagreement exists between that pupil's parents or legal guardians, the governing board, after consultations with the pupil's parents or legal guardians or the emancipated pupil, shall decide in executive session whether the hearing will be in executive session.
 2. If more than one pupil is subject to expulsion and disagreement exists between the parents or guardians of different pupils, then separate hearings shall be held subject to the provisions of this section.
- H. Nothing in this section shall be construed to prevent the pupil who is subject to expulsion or suspension, and the pupil's parents or legal guardians and legal counsel, from attending any executive session pertaining to the proposed disciplinary action, from having access to the minutes and testimony of the executive session or from recording the session at the parent's or legal guardian's expense.

- I. In schools employing a superintendent or a principal, the authority to suspend a pupil from school is vested in the superintendent, principal or other school officials granted this power by the governing board of the school district.
- J. In schools that do not have a superintendent or principal, a teacher may suspend a pupil from school.
- K. In all cases of suspension, it shall be for good cause and shall be reported within five days to the governing board by the superintendent or the person imposing the suspension.
- L. A teacher who fails to comply with this section is guilty of unprofessional conduct and his certificate shall be revoked.
- M. The principal of each school shall insure that a copy of all rules pertaining to discipline, suspension and expulsion of pupils is distributed to the parents of each pupil at the time the pupil is enrolled in school.
- N. The principal of each school shall insure that all rules pertaining to the discipline, suspension and expulsion of pupils are communicated to students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

[15-844.](#) Suspension and expulsion proceedings for handicapped pupils

Notwithstanding sections 15-841, 15-842 and 15-843, the suspension or expulsion of children with disabilities, as defined in section 15-761, shall be in accordance with rules which are prescribed by the state board of education and which shall incorporate the change of placement requirements of the individuals with disabilities education act (20 United States Code sections 1410 through 1485) and applicable case law regarding suspension and expulsion of children with disabilities.
